

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORBERT M. PAYTON,
Plaintiff
v.
R. OLMSTEAD, et al.,
Defendant

No. 2:21-cv-0269 KJN P

**ORDER REFERRING CASE TO POST-
SCREENING ADR PROJECT AND
STAYING CASE FOR 120 DAYS**

Plaintiff is a state prisoner, proceeding without counsel. The U.S. Marshal accomplished service of process on one defendant.

The undersigned is referring all post-screening civil rights cases filed by pro se inmates to the Post-Screening ADR (Alternative Dispute Resolution) Project in an effort to resolve such cases more expeditiously and less expensively. Defense counsel from the Office of the California Attorney General agreed to participate in this pilot project. No defenses or objections shall be waived by their participation.

As set forth in the screening order, plaintiff stated a potentially cognizable civil rights claim. Thus, the court stays this action for a period of 120 days to allow the parties to investigate plaintiff's claims, meet and confer, and then participate in a settlement conference.

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1 There is a presumption that all post-screening civil rights cases assigned to the
2 undersigned will proceed to settlement conference.¹ However, if after investigating plaintiff's
3 claims and speaking with plaintiff, defense counsel in good faith finds that a settlement
4 conference would be a waste of resources, defense counsel may move to opt out of this pilot
5 project.

6 Within thirty days, defense counsel shall contact the Courtroom Deputy, Alexandra
7 Waldrop, at (916) 930-4187, to schedule the settlement conference. If difficulties arise in
8 scheduling the settlement conference due to the court's calendar, the parties may seek an
9 extension of the initial 120 day stay.

10 Once the settlement conference is scheduled, at least seven days prior to conference, the
11 parties shall submit to the assigned settlement judge a confidential settlement conference
12 statement. The parties' confidential settlement conference statement shall include the following:
13 (a) names and locations of the parties; (b) a short statement of the facts and alleged damages; (c) a
14 short procedural history; (d) an analysis of the risk of liability, including a discussion of the
15 efforts made to investigate the allegations; and (e) a discussion of the efforts that have been made
16 to settle the case.

17 In accordance with the above, IT IS HEREBY ORDERED that:

18 1. This action is stayed for 120 days to allow the parties an opportunity to settle their
19 dispute before a responsive pleading is filed, or the discovery process begins. Except as provided
20 herein or by subsequent court order, no other pleadings or other documents may be filed in this
21 case during the stay of this action. The parties shall not engage in formal discovery, but the
22 parties may elect to engage in informal discovery.

23 2. Within thirty days from the date of this order, defense counsel shall contact this court's
24 Courtroom Deputy, Alexandra Waldrop, at (916) 930-4187, to schedule the settlement
25 conference.

26 3. At least seven days prior to the settlement conference, each party shall submit a

27 ¹ If the case does not settle, the court will set a date for the filing of a responsive pleading at the
28 conference.

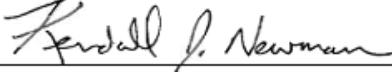
1 confidential settlement conference statement, as described above, to the judge assigned for
2 settlement.

3 4. If a settlement is reached at any point during the stay of this action, the parties shall file
4 a Notice of Settlement in accordance with Local Rule 160.

5 5. The Clerk of the Court shall serve copies of (a) plaintiff's complaint (ECF No. 1), (b)
6 the screening order (ECF No. 4), and (c) the instant order, on Danielle K. Lewis Counsel, Selman
7 Breitman LLP, 33 New Montgomery St. 6th Floor, San Francisco, CA 94105.

8 6. The parties remain obligated to keep the court informed of their current address at all
9 times during the stay and while the action is pending. Any change of address must be reported
10 promptly to the court in a separate document captioned for this case and entitled "Notice of
11 Change of Address." See L.R. 182(f).

12 Dated: May 4, 2021

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14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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